

REMARKS

Applicant thanks Examiner Ariani for the productive interview conducted on November 17, 2010 with Attorney Sean Edman and the undersigned. Applicant notes that it was agreed that, following a discussion of Verbruggen, the claimed invention was not “obvious to try.” Applicant reiterated that polysulphated polysaccharides are not interchangeable, and that different heparin-like molecules affect chondrocyte development in dissimilar and unpredictable ways. Moreover, given that it has not been demonstrated by the Office that there are a finite number of identified, predictable solutions, there was no reason to believe that a person of ordinary skill had good reason to pursue known options to arrive at the claimed invention. Accordingly, it is applicant’s understanding that the Examiner agreed with applicant’s argument that the results presented in Verbruggen show that the effects of polysulphated polysaccharides on chondrocyte development during cultivation was unpredictable and thus the use of polysulphated alginate as recited in the present claims would not have been rendered obvious by Verbruggen. The Examiner thus agreed to withdraw the current obviousness rejection based on Verbruggen.

During the interview, the Examiner expressed concern regarding the clarity of the phrase “polysulphated alginate.” As an initial matter, applicant notes that the specification at page 4 (lines 27-30) states:

Alginic acid is a linear heteropolysaccharide occurring naturally in seaweeds and some bacteria. It is a block copolymer of repeating units of $\beta(1-4)$ D-mannuronic acid (M) and $\alpha(1-4)$ L-guluronic acid (G). Alginate(s) as used herein refers to one or more salts (and/or esters) of this polysaccharide.

Applicant also notes that at the time of the invention, alginate was known to have an average molecular weight of 240,000 as documented by the Merck Manual 1996 (copy attached). Further the application at, for example, page 12 (lines 16-18) states:

The degree of sulphation and purity of the alginate as well as its pyrogen content was determined conventional chemical and biological methods. Under the conditions used, sulphation of alginate was found to be complete.

For the aforementioned reasons, the skilled person would readily understand the meaning of the phrase “polysulphated alginate.”

CONCLUSION

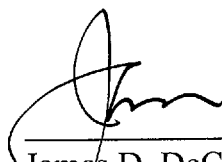
Applicant submits that the Application is now in condition for allowance and such action is respectfully requested.

Enclosed is a Petition to extend the period for replying to the final Office action for three (3) months, to and including February 7, 2011, and an authorization to charge the required extension fee to Deposit Account No. 03-2095.

If there are any additional charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: 1/25/2011



James D. DeCamp
Reg. No. 43,580

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045